REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

In the Office Action, the Examiner indicated that claims 3, 5, 10, 12, 17 and 19 would be allowable if rewritten in independent form. In addition, claims 1-2, 4, 7-9, 14-16 and 18 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 3,324,237 (Cherry). Claims 6, 13 and 20 are also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Cherry. Applicant gratefully acknowledges the indication that claims 3, 5, 10, 12, 17 and 19 contain patentable subject matter. However, Applicant has not rewritten these claims in independent form, since it is believed that independent claims 1, 8 and 15 should be allowable over Cherry for at least the following reasons.

Cherry is directed to a television transmission system having a picture scanner 1 shown in FIG 1, which provides a picture signal to a converter 2. The picture signal is sampled by the converter 2 at a constant input signal sampling rate, as specifically recited

on column 4, line 36.

A supply gate 16 is controlled by a supply rate control signal from a supply rate selector 4 to open at required intervals. As specifically recited on column 5, lines 8-12, the supply rate is limited to:

> three rates chosen for the system, that is a high-detail rate at the Nyquist interval t of 1/6 microseconds, the medium rate at interval 3t and the slow rate at interval 9t. (Emphasis added)

Column 4, lines 44-50 further recite that:

> A small number of successively slower sample **rates of transmission** are provided for choice when picture detail is correspondingly lower. In the present system, two alternative slower pulse rates are provided, respectively of 1/3 and 1/9 the **sampling rate of the analogue-to-digital converter 2**, corresponding to pulse intervals of ½ microseconds and 1½ microseconds, respectively. (Emphasis added)

The above-noted section emphasizes that the three rates are not sampling rates of the **input** signal as sampled by the analogue-to-digital converter 2. Rather, the three sampling rates are referred to above as **rates of transmission**. The high rate of the three rates of transmission is equal to sampling rate of the analogue-to-digital converter, (i.e., the Nyquist rate), while the

other two lower rates are 1/3 and 1/9 of the sampling rate of the analogue-to-digital converter 2. It can thus be seen that the sampling rate of the analogue-to-digital converter 2 is simply a single rate, i.e., the Nyquist rate, and is **constant**, which is also specifically recited on column 4, line 36, as noted above.

Column 4, lines 51-56 further recite that:

> As has been already stated, picture samples are generated continuously **at the Nyquist interval** of 1/6 microseconds by the analogue-to-digital converter 2. The slower sample rates are obtained by selecting from the samples generated by those samples which are spaced at the required one of the longer intervals. (Emphasis added)

It is clear from this above-noted section that the analogue-to-digital converter 2 samples the input signal at a **constant** rate, namely, the Nyquist rate. FIG 2b, which is the output of sampler 2' shown in FIG 3, clearly shows samples at uniform or constant sampling intervals (i.e., sampled at a constant sampling rate), namely, the Nyquist interval, as also described on column 8, lines 17-26.

The slower sample rates are **not** sample rates of the **input signal itself**. Rather, the slower rates are so called "rates of

transmission", "sample supply rate", or rates at which the supply gate 16 is controlled (by the supply rate selector 4) to open at required intervals so that desired or selected samples are supplied or stored in the sample memory 6. (See column 3, lines 14-20 and column 5, lines 8-10) Thus, these slower rates are for storing or supplying selected samples of the input signal to the memory 6, which input signal has already been sampled by the analogue-to-digital converter 2 at a constant rate.

In stark contrast, the present inventions as recited in independent claim 1, and similarly recited in independent claims 8 and 15, requires:

> an input receiving an analog video signal; and
>
> a sampling mechanism coupled to the input and sampling the analog video signal utilizing a variable sampling rate modulated for segments of the analog video signal based upon spatial frequencies within the image content contained within the analog video signal; an output of said sampling mechanism being coupled to a signal analysis unit to determine a highest spatial frequency within the image content; and said variable sampling rate being selectable over a continuous range as a function of the highest spatial frequency within the image content. (Emphasis added)

Sampling the input signal using a variable sampling rate, as determined by an analysis unit coupled to the sampling mechanism output to determine the highest spatial frequency, is nowhere taught or suggested in Cherry.

Accordingly, it is respectfully requested that independent claims 1, 8 and 15 be allowed. In addition, as claims 2-7, 9-14 and 16-20 depend from independent claims 1, 8 and 15, applicant respectfully requests that claims 2-7, 9-14 and 16-20 also be allowed.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

It is believed that no additional fees or charges are

currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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Respectfully submitted,

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